

Adopted: November 26, 1996

**ACADEMIC SENATE
OF
CALIFORNIA POLYTECHNIC STATE UNIVERSITY
San Luis Obispo, California**

**AS-471-96/SWC
RESOLUTION ON
AMOROUS RELATIONSHIPS**

- WHEREAS, Faculty or instructional staff hold positions of authority that involve the legitimate exercise of power over others; and
- WHEREAS, Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power; and
- WHEREAS, The issue of appropriate and inappropriate relationships between students and faculty or instructional staff is very complex; and
- WHEREAS, It is the responsibility of Cal Poly faculty to maintain the highest standards of professional ethics; and
- WHEREAS, Cal Poly's Faculty Code of Ethics and the AAUP's Statement on Professional Ethics affirm that (1) professors adhere to their proper roles as intellectual guides and counselors, (2) they make every reasonable effort to assure that their evaluations of students reflect each student's true merit, and (3) they avoid any exploitation of students; therefore, be it
- RESOLVED: That Cal Poly adopt the attached *Policy on Amorous Relationships Between Students and Faculty or Instructional Staff Who Evaluate or Supervise Them*.

Proposed by the Status of Women Committee
May 13, 1996
Revised October 29, 1996
Revised November 12, 1996

POLICY ON AMOROUS RELATIONSHIPS BETWEEN STUDENTS AND FACULTY OR INSTRUCTIONAL STAFF WHO EVALUATE OR SUPERVISE THEM

California Polytechnic State University, San Luis Obispo

May 10, 1996

I. POLICY STATEMENT: AMOROUS RELATIONSHIPS IN THE INSTRUCTIONAL CONTEXT

It is the policy of California Polytechnic State University, San Luis Obispo that faculty members or other instructional staff shall not initiate, pursue, or be involved in any amorous or sexual relationships (hereinafter referred to as amorous relationships) with any student whom they evaluate or supervise by virtue of their teaching, research, or administrative responsibilities.

Friendships or mentoring relationships between faculty or instructional staff and students are not proscribed by this Policy, nor is it the intent of this Policy that such non-amorous relationships be discouraged or limited in any way.

II. RATIONALE FOR POLICY

The University's educational mission is promoted by professionalism in faculty-student relationships, and professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty or other members of the instructional staff that undermine this professionalism jeopardize the University's ability to fulfill its educational mission. Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power.

Faculty members and other instructional personnel exercise power over students, whether in giving them praise and criticism, evaluating their work, making recommendations for their further studies or future employment, or conferring other benefits on them. Because it may easily involve or appear to involve a conflict of interest, an amorous or sexual relationship between a faculty member or other member of the instructional staff and a student entails serious ethical concerns when the faculty or instructional staff member has professional responsibility for the student.

Voluntary consent by the student in such a relationship is difficult to determine with certainty, given the fundamentally asymmetric nature of the relationship. Because of the complex and subtle effects of that power differential, relationships may well be less consensual than the individual whose position confers power believes, and the faculty or instructional staff member bears a special burden of accountability in any such involvement.

Further, amorous or sexual relationships in which one person is in a position to review the work or influence the career of another may provide grounds for complaint by others outside the relationship when that relationship appears to give undue access or advantage to the individual involved in the relationship, or to restrict opportunities, or create a hostile and unacceptable environment for those outside the relationship. Other students and faculty may be affected by behavior that makes or appears to make obtaining benefits (such as advancing one student over others) contingent on amorous or sexual favors.

III. DEFINITIONS

As used in this Policy, the term "faculty member" or "instructional staff" means any member of the university community who engages in instructional or evaluative activities of any student who is enrolled in a course being taught by that individual or whose academic work, including work as a teaching or research assistant, is being supervised or evaluated by that individual. Graduate or undergraduate students, when performing official University academic supervisory or evaluative roles with respect to other students, are considered instructional staff for the purposes of this Policy.

As used in this Policy, an amorous relationship exists when, without the benefit of marriage, two persons as ~~consenting~~ partners (a) have a sexual union or (b) engage in a romantic partnering or courtship that may or may not have been consummated sexually.

As used in this Policy, to "evaluate or supervise" means:

- a. To assess, determine or influence (1) one's academic performance, progress or potential or (2) one's entitlement to or eligibility for any instructionally conferred right, benefit or opportunity, or
- b. To oversee, manage or direct one's academic or other institutionally prescribed activities.

IV. AMOROUS RELATIONSHIPS OUTSIDE THE INSTRUCTIONAL CONTEXT

Amorous relationships between faculty members or other members of the instructional staff and students occurring outside the instructional context may also lead to difficulties. Particularly when the individual and the student are in the same academic unit or in units that are academically allied, relationships that the involved parties view as consensual may be disruptive to unit activities and appear to others to be exploitative. Further, in these and other situations, the faculty or instructional staff member may face serious conflicts of interest. In any such situation, therefore, faculty or instructional staff members should be most careful to remove themselves from involvement with any decisions that may reward or penalize the student.

V. PROCESS AND SANCTIONS

Because of the sensitive nature of such relationships, every reasonable effort should be made

to resolve alleged Policy violations on an informal basis if possible. Concerns about problems related to this Policy may be taken to the administrative official most directly involved, excluding the person alleged to have violated this Policy, or to one of the individuals listed below in Section VIII.

Any remedial actions taken through informal procedures by the administrative official most directly concerned, assuming s/he is not the person alleged to have violated this Policy, will depend on the totality of the circumstances. Efforts should be made to be constructively educational and to be corrective rather than punitive if a Policy violation is found: an acknowledgment of the violation and a commitment not to violate the Policy in the future, along with a warning or other appropriate action directed toward the faculty or other instructional staff member, may be sufficient resolution. In cases where further action is deemed appropriate, sanctions may range from a letter of reprimand to dismissal of faculty, all in accordance with applicable University procedures as identified in Articles 18 and 19 of the Collective Bargaining Agreement.

VI. APPEALS

If not satisfied with the administrative official's decision, the faculty member or other member of the instructional staff accused of a Policy violation may proceed, in accordance with established procedures, to the grievance or hearings committees to which he or she otherwise has access.

VII. ABUSE OF THIS POLICY

Complaints found to have been intentionally dishonest or made in willful disregard of the truth may subject the complainant to disciplinary action, with possible sanctions ranging from a letter of reprimand to dismissal.

VIII. RESOURCES FOR ASSISTANCE AND INFORMATION

Questions concerning this Policy may be addressed to the University's Director of Affirmative Action (756-2062), Women's Program/Student Life and Activities (756-2476), the Sexual Harassment Advisors (names and numbers are available from Director of Affirmative Action), the Vice President of Student Affairs (756-1521), and the Vice President of Academic Affairs (756-2186).

Copies of the Policy are available from Department Chairs and from the offices listed above. These offices are also prepared to help people understand what the Policy means and what options for resolution are available if they believe they have experienced a problem related to this Policy in connection with their academic study or work at the University.

RECEIVED

MAR 26 1997

CAL POLY

SAN LUIS OBISPO
CA 93407

State of California
M e m o r a n d u m

Academic Senate

To: Harvey Greenwald
Chair, Academic Senate

Date: March 24, 1997

From: Warren J. Baker
President

Copies: P. Zingg, J. Gonzalez,
A. McDonald, P. Harris

Subject: Academic Senate Resolution AS-471-96/SWC
Resolution on Amorous Relationships

Thank you for your memo of December 4, 1996, which transmitted Academic Senate Resolution (AS-471-96/SWC) on Amorous Relationships.

I am pleased to approve this resolution, with one change in wording in Section III, Paragraph 2. The word "consenting" in that paragraph should be removed. This change is made to address a concern raised by University Legal Counsel. The revised paragraph should read:

As used in this Policy, an amorous relationship exists when, without the benefit of marriage, two persons as partners (a) have a sexual union or (b) engage in a romantic partnering or courtship that may or may not have been consummated sexually.)

By copy of this memorandum I will direct my executive assistant, Dan Howard-Greene, to issue the policy on amorous relationships, changed as noted, as an administrative bulletin. It would be appreciated if you could provide a copy of the policy electronically or on diskette.

I wish to commend the Status of Women Committee and the Academic Senate in dealing with this important issue within the academy.

*Change approved
by St/Women Com
per Terri Swartz.*